

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN MACHESKY,)
Plaintiff,)
vs.)
CHIEF HAWFIELD; LIEUTENANT) Civil Action No. 07-9
BATES; WAYNESBURG BOROUGH;) Judge Gary L. Lancaster/
WAYNESBURG BOROUGH POLICE) Magistrate Judge Amy Reynolds Hay
DEPARTMENT,)
Defendants.)

O R D E R

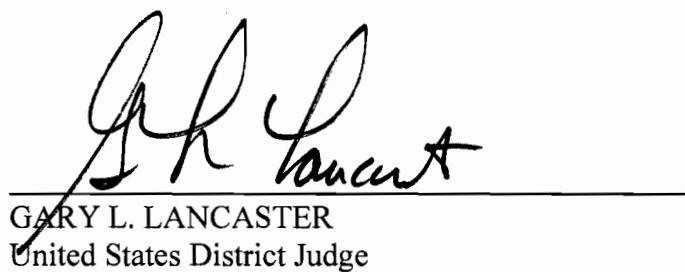
AND NOW, this 3rd day of March, 2008, after the plaintiff, Brian

Machesky, filed an action in the above-captioned case, and after a Motion For a More Definite Statement was filed by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties time to file written objections thereto, and upon consideration of the objections filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion For a More Definite Statement [Doc. 32] , construed as a Motion to Dismiss the Second Amended Complaint, is granted with prejudice as to all federal claims, with the exception of the Plaintiff's Fourteenth Amendment procedural due process claim - including the allegations of municipal liability - based on the alleged deprivation of his liberty interest in pursuing a career in law enforcement.

IT IS FURTHER ORDERED that the Court shall retain supplemental jurisdiction over the state law claims, but reserves the right to decline jurisdiction should the Plaintiff be unable adequately to support his federal claim at summary judgment.

IT IS FINALLY ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties/plaintiff/defendant desire(s) to appeal from this Order they/he/she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Counsel of Record by electronic filing